

# Calendar No. 521

78TH CONGRESS }  
1st Session }

SENATE

{ REPORT  
{ No. 517

WALTER R. JONES, MRS. NORMA S. MCKINNEY, AND  
MRS. ELLA SWENSON

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NOVEMBER 4 (legislative day, OCTOBER 25), 1943.—Ordered to be printed

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Mr. WILSON, from the Committee on Claims, submitted the following

## REPORT

[To accompany H. R. 2905]

The Committee on Claims, to whom was referred the bill (H. R. 2905) for the relief of Walter R. Jones, Mrs. Norma S. McKinney, and Mrs. Ella Swenson, having considered the same, report favorably thereon without amendment and recommend that the bill do pass.

The facts will be found fully set forth in House Report No. 757, Seventy-eighth Congress, first session, which is appended hereto and made a part of this report, and your committee concur in the recommendations of the House.

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[H. Rept. No. 757, 78th Cong., 1st sess.]

The Committee on Claims, to whom was referred the bill (H. R. 2905) for the relief of Walter R. Jones, Mrs. Norma S. McKinney, and Mrs. Ella Swenson, having considered the same, report favorably thereon with amendments and recommend that the bill as amended to pass.

The amendments are as follows:

Line 6, strike out the figures "\$5,548.85", and insert in lieu thereof: "\$5,000; to pay the sum of \$615.50 to Mrs. Norma S. McKinney, Littleton, Colorado, and to pay the sum of \$584.50 to Mrs. Ella Swenson, Denver, Colorado."

Line 7, strike out "of the said Walter R. Jones".

Line 8, after the words "death of" strike out "his", and insert in lieu thereof "Walter R. Jones".

Line 9, after the names "Belle Jones" insert ", and for personal injuries and expenses for Mrs. Norma S. McKinney and Mrs. Ella Swenson,".

Line 10, strike out "she was", and insert in lieu thereof "they were".

At the end of bill strike out the period and insert: " *Provided*, That no part of the amount appropriated in this Act in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000."

Amend the title so as to read: A bill for the relief of Walter R. Jones, Mrs. Norma S. McKinney, and Mrs. Ella Swenson.

The purpose of the proposed legislation is to pay Walter R. Jones, of Denver, Colo., the sum of \$5,000 for the death of his wife, Hazel Belle Jones; and to pay Mrs. Norma S. McKinney \$615.50; and to pay Mrs. Ella Swenson the sum of \$584.50, for personal injuries and medical and hospital expenses incident thereto sustained as a result of the collision when the automobile in which they were riding was struck by a United States Army truck in Denver, Colo., on July 23, 1941.

#### STATEMENT OF FACTS

It appears that on July 23, 1941, about 5 p. m., an Army reconnaissance car, on official business, operated by an enlisted man, with another enlisted man as a passenger, was en route from Fort Logan, Colo., to Lowry Field, Colo., and was traveling north on Colorado Boulevard near the center of the street approaching its intersection with East Iliff Avenue, Denver, Colo. As the Army vehicle entered the intersection it struck a 1941 Buick club coupe owned by Rev. R. E. McKinney and operated by his wife, Mrs. Norma S. McKinney, in which Mrs. McKinney's mother, Mrs. Ella Swenson, and a friend, Mrs. Hazel Belle Jones, wife of Walter R. Jones, were passengers. The McKinney car at the time of the collision was traveling east on East Iliff Avenue. The evidence shows that the Army vehicle struck the McKinney car about the center of its right door, causing it to turn north on Colorado Boulevard. The McKinney car traveled a distance of about 45 feet from the point of collision before it came to a stop. The Army vehicle traveled for a distance of about 91 feet north of the point of impact and turned over. There were no traffic signal lights or stop signs on either street at the intersection at the time of the collision. Colorado Boulevard was 30 feet wide and East Iliff Avenue was 25 feet wide at the point of their intersection. At the time of the accident the weather was clear, the streets were dry, and visibility was good. The evidence establishes that at the time of the accident there were signs on Colorado Boulevard near its intersection with East Iliff Avenue stating the maximum speed limit on Colorado Boulevard to be 30 miles per hour, and there was a painted sign on the surface of East Iliff Avenue west of the intersection stating "25 miles per hour speed." In a deposition taken on November 9, 1942, Mrs. McKinney stated that she was driving at a speed of about 25 miles per hour, that she slowed down as she approached the intersection, and that she did not see the Army car until it had struck the automobile which she was driving. The Army driver apparently did not slow down upon approaching the intersection. A disinterested witness testified that immediately after the accident the Army driver stated: "I wasn't going fast, I was only doing 50."

The force of the collision caused Mrs. Jones to be thrown from the automobile and sustained such injuries that resulted in her death in the afternoon of the same day. Mrs. McKinney incurred hospital and medical expenses amounting to \$115.50. Mrs. Swenson incurred medical and hospital expenses as a result of her injuries in the amount of \$84.50.

The War Department in its report of September 29, 1943, states that the collision which resulted in the death of Mrs. Jones and the personal injuries of Mrs. McKinney and Mrs. Swenson, was due to the negligence of the driver of the Army truck. Therefore, your committee recommended that the bill be amended to compensate Walter R. Jones the sum of \$5,000 for the death of his wife, Hazel Belle Jones, and to compensate Mrs. Norma S. McKinney \$500 for pain and suffer-

ing, and \$115.50 for medical and hospital expenses; and to Mrs. Ella Swenson the sum of \$500 for pain and suffering and \$84.50 for medical and hospital expenses, making the awards as follows: Walter R. Jones, \$5,000; Mrs. Norma S. McKinney, \$615.50; Mrs. Ella Swenson, \$584.50; and recommend favorable consideration to the proposed legislation. Appended hereto is the report from the War Department together with other pertinent evidence.

SEPTEMBER 29, 1943.

HON. DAN R. McGEHEE,  
*Chairman, Committee on Claims,  
House of Representatives, Washington, D. C.*

DEAR MR. McGEHEE: The War Department is opposed to the enactment in their present forms of H. R. 2905, Seventy-eighth Congress, for the relief of Walter R. Jones, and H. R. 2906, Seventy-eighth Congress, for the relief of Mrs. Norma S. McKinney and Mrs. Ella Swenson. H. R. 2905 would authorize and direct the Secretary of the Treasury to pay to Walter R. Jones, of Denver, Colo., the sum of \$5,548.85 "in full settlement of all claims of the said Walter R. Jones against the United States arising out of the death of his wife, Hazel Belle Jones, as the result of a collision when the automobile in which she was riding was struck by a United States Army truck at the intersection of Iliff Avenue and Colorado Boulevard, Denver, Colo., on July 23, 1941." H. R. 2906 would authorize and direct the Secretary of the Treasury to pay to Mrs. Norma S. McKinney, of Littleton, Colo., the sum of \$1,115.50, and to Mrs. Ella Swenson, of Denver, Colo., the sum of \$1,084.50 "in full settlement of all claims against the United States for personal injuries sustained" by them in the same accident. The Department, however, would interpose no objection to the enactment of these bills if H. R. 2905 should be so amended as to authorize the payment of \$5,000 to Mr. Jones, and if H. R. 2906 should be so amended as to authorize the payment of \$615.50 to Mrs. McKinney and \$584.50 to Mrs. Swenson.

On July 23, 1941, about 5 p. m., an Army reconnaissance car, on official business, operated by an enlisted man, with another enlisted man as a passenger, was en route from Fort Logan, Colo., to Lowry Field, Colo., and was traveling north on Colorado Boulevard near the center of the street approaching its intersection with East Iliff Avenue, Denver, Colo. As the Army vehicle entered the intersection it struck a 1941 Buick club coupe owned by Rev. R. E. McKinney and operated by his wife, Mrs. Norma S. McKinney, in which Mrs. McKinney's mother, Mrs. Ella Swenson and a friend, Mrs. Hazel Belle Jones, wife of Walter R. Jones, were passengers. The McKinney car at the time of the collision was traveling east on East Iliff Avenue. The evidence shows that the Army vehicle struck the McKinney car about the center of its right door, causing it to turn north on Colorado Boulevard. The McKinney car traveled a distance of about 45 feet from the point of collision before it came to a stop. The Army vehicle traveled for a distance of about 91 feet north of the point of impact and turned over. There were no traffic signal lights or stop signs on either street at the intersection at the time of the collision. Colorado Boulevard was 30 feet wide and East Iliff Avenue was 25 feet wide at the point of their intersection. At the time of the accident the weather was clear, the streets were dry, and visibility was good. The evidence establishes that at the time of the accident there were signs on Colorado Boulevard near its intersection with East Iliff Avenue stating the maximum speed limit on Colorado Boulevard to be 30 miles per hour, and that there was a painted sign on the surface of the East Iliff Avenue west of the intersection stating "25 miles per hour speed." In a deposition taken on November 9, 1942, Mrs. McKinney stated that she was driving at a speed of about 25 miles per hour, that she slowed down as she approached the intersection, and that she did not see the Army car until it had struck the automobile which she was driving. The Army driver apparently did not slow down upon approaching the intersection. A disinterested witness testified that immediately after the accident the Army driver stated: "I wasn't going fast, I was only doing 50." About a half an hour later the Army driver told a Denver police officer that he was traveling at a speed of 40 miles per hour at the time of the accident. Later

at a hearing before the board of officers convened to investigate the accident the Army driver stated:

"We were coming to the intersection at something less than 35 miles an hour and I saw the car just before we struck and then the collision."

The soldier passenger in the Army vehicle at the time of the collision stated that he had no idea how fast the Army car was going at the time of the accident.

Both vehicles involved in the accident were damaged beyond economical repair. An Army report of survey appraised the damage to the Army car at \$992. It appears that Reverend McKinney paid \$1,147.78 for his automobile when new on June 23, 1941, exactly 1 month before the accident, and that its salvage value after the accident was \$253, which resulted in a property damage to him in the amount of \$894.78.

The force of the collision caused Mrs. Jones, 53 years of age, to be thrown from the McKinney car. She sustained severe injuries which resulted in her death at 6:35 p. m. on the same date in the Mercy Hospital in Denver. No evidence is submitted showing that any medical or hospital expenses were incurred by Mrs. Jones between the time of her injury and the time of her death. Bills are submitted which show that the following expenses were incurred in connection with her funeral:

The Olinger Mortuaries, undertaker, Denver.....	\$383. 75
The Crown Hill Cemetery Association, Denver, cement vault and interment fee.....	65. 00
Total.....	448. 75

It appears that Mrs. Jones owned property at the time of her death of the gross value of \$3,000 and that the following expenses were incurred in connection with her estate following her death:

Clerk, county court of the city and county of Denver, court costs.....	\$30. 00
John W. Metzger, attorney's fee and service tax.....	51. 00
Cost of publication of notice to creditors and notice of final settlement and determination of heirship.....	16. 10
Treasurer, State of Colorado, inheritance tax waiver.....	3. 00
Total.....	100. 10

It therefore appears that the amount stated in H. R. 2905, \$5,548.85, is arrived at as follows:

For the death of Mrs. Jones.....	\$5, 000. 00
Funeral expenses.....	448. 75
Expenses in her private estate.....	100. 10
Total.....	5, 548. 85

It appears that Mrs. Jones was survived by her husband, Walter R. Jones, who is 57 years of age.

Mrs. McKinney was taken from the scene of the accident to the Mercy Hospital in Denver where she remained as a patient until July 29, 1941, a period of 6 days, and was under the care of a physician until August 30, 1941. Dr. Charles A. Bundsen, of the Swedish National Sanatorium, Denver, in a statement dated August 14, 1942, stated:

"This is to certify that Mrs. R. E. McKinney was under my care from July 23, 1941, to August 30, 1941. She was in Mercy Hospital from July 23 to July 29 and at home from July 30 to August 30, 1941. She was injured in an automobile accident and her injuries were as follows:

"A wound under the left eye about an inch long. A wound on back of the head about an inch-and-a-half long and a wound on her right arm 3 inches above the elbow and an inch long. She had abrasions on her right upper arm, left wrist, left elbow, right knee, right hip, left knee, and numerous scratches over the entire body here and there. There was a questionable basal fracture of the head on the right side."

There are submitted bills showing that Mrs. McKinney incurred medical and hospital expenses as a result of her injuries in the aggregate amount of \$115.50, as follows:



Dr. Charles A. Bundsen.....	\$25. 00
Mercy Hospital, Denver.....	60. 00
Helen Reetz, registered nurse.....	18. 50
W. T. Roche Ambulance Service Co., Denver.....	12. 00
Total.....	115. 50

It appears that Mrs. McKinney was 35 years of age at the time of the accident; that her occupation was that of a housewife, and that she accordingly has sustained no loss in earnings as a result of the accident.

Mrs. Swenson was also taken from the scene of the accident to the Mercy Hospital in Denver where she remained as a patient from July 23, 1941, to July 29, 1941, a period of 6 days, and was under the care of a physician until September 4, 1941. Mrs. Swenson stated that she was 62 years of age and unemployed at the time of the accident and that no one was dependent upon her for support, and that her injuries consisted of a broken collar bone, broken shoulder, four broken ribs, and a fractured knee and ankle. However, on August 14, 1942, Dr. Charles A. Bundsen made the following statement concerning her injury:

"This is to certify that Mrs. Charles Swenson (Mrs. Ella Swenson) was under my care at Mercy Hospital from July 23 to July 29, 1941, and at home from July 30 to September 4, 1941.

"She was injured in an automobile accident July 23, 1941, and had a fracture of the outer end of the right clavicle."

There are submitted bills showing that Mrs. Swenson incurred medical and hospital expenses as a result of her injury in the aggregate amount of \$84.50, as follows:

Dr. Charles A. Bundsen.....	\$25. 00
Mercy Hospital, Denver.....	36. 00
The Swedish National Sanatorium.....	5. 00
Helen Reetz, registered nurse.....	18. 50
Total.....	84. 50

Rev. R. E. McKinney filed a claim with the War Department in the amount of \$894.78 for the damage caused to his car in this accident. Upon review of the claim it was found that the property damage sustained by him in this accident was incident to noncombat activities of the Army and was not caused in whole or in part by any negligence or wrongful act on his part, or on the part of his agents or employees. The claim was duly approved by the War Department in the amount of \$894.78 on September 13, 1943, for payment under the provisions of the act of July 3, 1943 (Public Law 112, 78th Cong.), and is now being processed for final settlement.

Walter R. Jones filed a claim with the War Department in the amount of \$5,548.85 for the death of his wife, Hazel Belle Jones, which was necessarily disapproved for the reason that there was no statute or appropriation available to the Department for the administrative settlement of a claim of this character.

Mrs. Norma S. McKinney and Mrs. Ella Swenson filed claims with the War Department in the amounts of \$1,115.50 and \$1,084.50, respectively, for personal injuries sustained by them in this accident, which claims likewise were disapproved for the reason that there was no statute or appropriation available to the Department under which they might be settled administratively.

It is the view of the War Department that the evidence fairly establishes that the collision which resulted in the death of Mrs. Hazel Belle Jones and the personal injury of Mrs. Norma S. McKinney and Mrs. Ella Swenson was due to the negligence of the driver of the Army vehicle involved in the accident, and that the United States should compensate Mr. Walter R. Jones in a reasonable amount for the loss of his wife, and that Mrs. McKinney and Mrs. Swenson should be paid reasonable sums for the personal injuries sustained by them. Under all the circumstances it is believed that an appropriation of \$5,000 for Mr. Jones would be a fair and reasonable settlement of his claim for the loss of his wife. As it appears that neither Mrs. McKinney nor Mrs. Swenson has suffered any loss in earnings by reason of the accident, and as neither of them appears to have sustained any permanent disability it is believed that an award of \$615.50 to Mrs. McKinney (\$500 for personal injury; and \$115.50 for medical and hospital expenses) and an award of \$584.50 to Mrs. Swenson (\$500 for personal injury; and \$84.50 for medical and hospital expenses) would constitute fair and reasonable settlements of their claims. The War Department, therefore, will interpose no objection to the enactment of these bills if H. R. 2905 is so amended as to authorize the payment

of the sum of \$5,000 to Mr. Jones, and if H. R. 2906 is so amended as to authorize the payment of \$615.50 to Mrs. McKinney and \$584.50 to Mrs. Swenson.

The fiscal effect of the bills is manifest.

The Bureau of the Budget advises that there is no objection to the submission of this report.

Sincerely yours,

HENRY L. STIMSON, *Secretary of War.*

#### CLAIM FOR DAMAGES

##### ACCIDENT

Date of accident: July 23, 1941; hour, 5 p. m.

Place of accident: Iliff Avenue and Colorado Boulevard, Denver, Colo. Describe how accident happened: See exhibit A attached hereto.

##### PERSONS INJURED

Names and addresses and extent of injuries: Mrs. Hazel B. Jones, wife of Walter R. Jones, 1925 South University, Denver, Colo. Mrs. Jones died almost instantly.

##### AMOUNT OF CLAIM

For personal injury \$5,548.85; for property damaged, see attached statement, exhibit B.

WALTER R. JONES.

Subscribed and sworn to before me this 4th day of September 1942, at Denver, Colo.

[SEAL]

ALICE STONE,  
*Notary Public.*

My commission expires June 6, 1944.

##### EXHIBIT A

On July 23, 1941, about 5 o'clock in the afternoon, Mrs. Hazel B. Jones, wife of Walter R. Jones, and Mrs. Charles Swenson, were riding in a car driven by Mrs. Norma S. McKinney, who was driving said car east on Iliff Avenue at the undisputed rate of not exceeding 25 miles per hour, approaching the intersection of Iliff Avenue and South Colorado Boulevard, Denver, Colo. At the same time, an Army reconnaissance car, containing three soldiers from Lowry Field, traveling in a northerly direction on Colorado Boulevard at a high rate of speed, struck the car in which the three women were riding in the proximity of the front door.

As a result of this accident, the automobile in which they were riding was completely demolished; Mrs. Hazel B. Jones was fatally injured; and Mrs. McKinney, the driver, and her mother, Mrs. Swenson, were severely injured.

A hearing was had in the police court in Denver wherein the charges against Mrs. McKinney, the driver of the car, were dismissed, and the driver of the Army car was fined \$50 and costs for taking the right-of-way and for careless driving.

##### EXHIBIT B.—Statement of claim of Walter R. Jones

Olinger Mortuary, funeral expense (see exhibit B-1)	\$383. 75
Crown Hill Cemetery, burial costs (see exhibit B-2)	65. 00
Clerk, County Court, court costs (see exhibit B-3)	30. 00
John W. Metzger, attorney fees and tax (see exhibit B-4)	51. 00
Colorado, publication of notice to creditors and notice of final settlement and determination of heirship (see exhibit B-5)	16. 10
State treasurer, inheritance tax waiver (see exhibit B-6)	3. 00
Loss of consortium, future benefits, company and pleasure; and grief (claim of maximum amount permitted under Colorado statutes)	5,000.00
Total amount of claim	5,548.85

EXHIBIT B-1.—*The Olinger Mortuaries, Denver, Colo.*

AUGUST 26, 1942.

Mr. WALTER R. JONES,  
*Denver, Colo.:*

Funeral expenses of Hazel Belle Jones, July 26, 1941.

Professional and staff services, establishment facilities, funeral notices, casket coach, 2 limousines, and casket as selected.....	\$375. 00
Colorado sales tax.....	3. 75
Rev. J. W. Berg.....	5. 00
Total.....	383. 75

Cash paid:

July 26, 1941.....	50. 00
Aug. 20, 1941.....	150. 00
Sept. 10, 1941.....	35. 00
Sept. 24, 1941.....	40. 00
Oct. 20, 1941.....	30. 00
Oct. 28, 1941.....	30. 00
Nov. 12, 1941.....	48. 75

Total.....	383. 75
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I hereby certify the above to be just, true, and correct and the payments recorded above were paid by Walter R. Jones on the dates shown opposite the respective amounts.

THE OLINGER MORTUARIES, INC.  
By J. WILLIAM ECK, *Credit Manager.*

## EXHIBIT B-2

*The Crown Hill Cemetery Association, Denver, Colo.*

AUGUST 27, 1942.

WALTER R. JONES,  
*Denver, Colo.*

Services of Hazel Belle Jones.

July 24, 1942:	
Cement Vault.....	\$45. 00
Interment fee.....	20. 00
Total.....	65. 00

We hereby certify that the above account is just, true and correct and that payment in full was received under date of July 25, 1941.

THE CROWN HILL CEMETERY ASSOCIATION,  
By H. L. LUCKENBACH, *President.*

## EXHIBIT B-3

(Duplicate receipt)

STATE OF COLORADO,  
*City and County of Denver, ss.*

April 18, 1942. Estate No. 67941. \$30.

Received of John W. Metzger, attorney of the estate of Hazel Belle Jones, deceased, the sum of thirty and no/100 dollars for court costs.

JOHN L. GRIFFITH, *Clerk County Court.*  
By E. HANSON, *Cashier.*

EXHIBIT B-4  
(Duplicate receipt)

April 16, 1942, received of Walter R. Jones, administrator of the Estate of Hazel Belle Jones, \$51 for attorney's fee and service tax.

JOHN W. METZGER,  
By M. YATES, *Secretary*.

EXHIBIT B-5

In account with Colorado, Frank A. Mancini, publisher; estate of Hazel Belle Jones, deceased, No. 67941, Denver, Colo.

For advertising:

Notice to creditors.....	\$5. 06
Notice of final settlement and determination of heirship.....	11. 04
Total.....	16. 10

Paid, April 17, 1942.

FRANCIS MANCINI.

EXHIBIT B-6

Receipt No. 95370, county court of the city and county of Denver. Receipt for inheritance tax, Office of the Treasurer of the State of Colorado, Denver, Colo., April 22, 1942.

Received of Walter R. Jones, heir of the estate of Hazel Belle Jones, deceased, three and no/100 dollars, for inheritance tax and fees for examination and issuance of waiver, as itemized below, due to the State of Colorado and from said estate, pursuant to an order of the county court of the above-named county. Date of death of decedent July 23, 1941. Value of property, gross \$3,000. Deductions, \$2,211.10. Net, \$788.90.

Description of property: Lots 37 and 38, block 3, in University Park amended map, city and county of Denver, Colo., \$3,000.

Fees, examination, and waiver, \$3.

HOMER F. BEDFORD,  
*Treasurer of the state of Colorado.*  
By Ed Rich, *Deputy*.

CLAIM FOR DAMAGES

ACCIDENT

Date of accident: July 23, 1941; hour, 5 p. m.

Place of accident: Iliff Avenue and Colorado Boulevard, Denver, Colo.

Describe how accident happened: See exhibit A attached hereto.

PERSONS INJURED

Names and addresses and extent of injuries: Mrs. Norma S. McKinney (Mrs. R. E. McKinney), 703 South Lincoln Street, Littleton, Colo. Extent of injuries as shown on attached statement of attending physician hereto attached as exhibit B.

If medical aid was rendered, state by whom: Dr. Charles A. Bundsen.

AMOUNT OF CLAIM

For personal injury, \$1,115.50; for property damaged see attached statement, exhibit C.

Mrs. NORMA S. McKINNEY,  
(Mrs. R. E. McKINNEY).

Subscribed and sworn to before me this 22nd day of August 1942, at Denver, Colo.

[SEAL]

ALICE STONE,  
*Notary Public.*

My commission expires June 6, 1944.



## EXHIBIT A

On July 23, 1941, about 5 o'clock in the afternoon, Mrs. Norma S. McKinney (Mrs. R. E. McKinney), age 34; her mother, Mrs. Charles Swenson, age 61; and Mrs. Hazel B. Jones, a friend, age 52, were riding east on Iliff Avenue at the undisputed rate of not exceeding 25 miles per hour, approaching the intersection of Iliff Avenue and South Colorado Boulevard, Denver, Colo. At the same time, an Army reconnaissance car, containing three soldiers from Lowry Field, traveling in a northerly direction on Colorado Boulevard at a high rate of speed, struck the car in which the three women were riding in the proximity of the front door.

As a result of this accident, the automobile in which they were riding was completely demolished, and Mrs. McKinney and Mrs. Swenson were severely injured, and Mrs. Jones was fatally injured.

A hearing was had in the police court in Denver wherein the charges against Mrs. McKinney, the driver of the car, were dismissed, and the driver of the Army car was fined \$50 and costs for taking the right-of-way and for careless driving.

## EXHIBIT B

THE SWEDISH NATIONAL SANATORIUM,  
Englewood (Denver), Colo., August 14, 1942.

To Whom It May Concern:

This is to certify that Mrs. R. E. McKinney was under my care from July 23, 1941, to August 30, 1941. She was in Mercy Hospital from July 23 to July 29 and at home from July 30 to August 30, 1941. She was injured in an automobile accident, and her injuries were as follows:

A wound under the left eye about an inch long. A wound on back of the head about an inch and a half long and a wound on her right arm 3 inches above the elbow about an inch long. She had abrasions on her right upper arm, left wrist, left elbow, right knee, right hip, left knee, and numerous scratches over the entire body here and there. There was a questionable basal fracture of the head on the right side.

Respectfully submitted.

CHAS. A. BUNDSEN, M. D.

## EXHIBIT C

Statement of claim of Norma S. McKinney (Mrs. R. E. McKinney)

Dr. Charles A Bundsen (see exhibit C-1)-----	\$25. 00
Mercy Hospital (see exhibit C-2)-----	60. 00
Helene Reetz, R. N. (see exhibit C-3)-----	18. 50
W. T. Roche Ambulance Service Co. (see exhibit C-4)-----	12. 00
Loss of time, inconvenience, pain, and suffering-----	1, 000. 00
Amount of claim-----	\$1, 115. 50

## EXHIBIT C-1

DR. CHARLES A. BUNDSEN,  
Denver, Colo., January 14, 1942.

Mrs. R. E. McKinney: 13 calls, at \$3, \$39; rebate, \$14; total, \$25.

## EXHIBIT C-2

DENVER COLO., July 29, 1941.

To Mercy Hospital, Dr.—

Mrs. Norma McKinney, Denver, Colo.

Service to self July 23-29, 1941.—

Room and service: 6 days, at \$4-----	\$24. 00
Operating room-----	10. 00
Laboratory: Blood and urine-----	3. 50
Medications-----	2. 50
X-ray: Complete skull-----	20. 00

Total----- 60. 00

Received payment in full of above account,

SISTER MARY AUSTIN, Cashier.

## EXHIBIT C-3

(Statement)

AUGUST 20, 1942.

Mrs. R. E. McKinney for professional services rendered by Mrs. Raymond Reetz, registered nurse (Ke. 2567) from July 24 to July 29, of 1941, inclusive; total, \$18.50.

Received payment:

HELENE REETZ,  
Registered Nurse.

## EXHIBIT C-4

W. T. ROCHE AMBULANCE SERVICE Co.,  
Denver, Colo., August 7, 1941.

Rev. Robert McKinney:

July 23, to ambulance service for Mrs. N. McKinney from South Colorado Boulevard and Iliff to Mercy Hospital.....	\$6
July 29, from Mercy Hospital to 811 South Clarkson.....	6
Total.....	12

Paid in full. Received payment August 7, 1941.

W. T. ROCHE AMBULANCE SERVICE Co.  
By JOHN J. ROCHE.

## CLAIM FOR DAMAGES

## ACCIDENT

Date of accident: July 23, 1941; hour 5 p. m.

Place of accident: Iliff Avenue and Colorado Boulevard, Denver Colo.

Describe how accident happened: See exhibit A attached hereto.

## PERSONS INJURED

Names and addresses and extent of injuries: Mrs. Charles Swenson (Mrs. Ella Swenson), 811 South Clarkson, Denver, Colo.

Extent of injuries as shown on attached statement of attending physician hereto attached as exhibit B.

If medical aid was rendered, state by whom: Dr. Charles a Bundsen.

## AMOUNT OF CLAIM

For personal injury, \$1,084.50; for property damaged, see attached statement, exhibit C.

Mrs. CHARLES SWENSON.  
(Mrs. Ella Swenson)

Subscribed and sworn to before me this 22d day of August 1942 at Denver, Colo.

[SEAL]

ALICE STONE,  
Notary Public.

My commission Expires June 6, 1944.

## EXHIBIT A

On July 23, 1941, about 5 o'clock in the afternoon, Mrs. Charles Swenson (Mrs. Ella Swenson), aged 61; her daughter, Mrs. Norma S. McKinney, aged 34; and Mrs. Hazel B. Jones, a friend, aged 52, were riding east on Iliff Avenue at the undisputed rate of not exceeding 25 miles per hour, approaching the intersection of Iliff Avenue and South Colorado Boulevard, Denver, Colo. At the same time, an Army reconnaissance car, containing three soldiers from Lowry Field, traveling in a northerly direction on Colorado Boulevard at a high rate of speed, struck the car, in which the three women were riding, in the proximity of the front door.

As a result of this accident, the automobile in which they were riding was completely demolished, and Mrs. McKinney and Mrs. Swenson were severely injured, and Mrs. Jones was fatally injured.

A hearing was had in the police court in Denver wherein the charges against Mrs. McKinney, the driver of the car, were dismissed, and the driver of the Army car was fined \$50 and costs for taking the right-of-way and for careless driving.

## EXHIBIT B

THE SWEDISH NATIONAL SANATORIUM,  
Englewood (Denver), Colo., August 14, 1942.

*To Whom It May Concern:*

This is to certify that Mrs. Charles Swenson was under my care at Mercy Hospital from July 23 to July 29, 1941, and at home from July 30 to September 4, 1941.

She was injured in an automobile accident July 23, 1941, and had a fracture of the outer end of the right clavicle.

Respectfully submitted.

CHAS. A. BUNDSSEN, M. D.

## EXHIBIT C

*Statement of claim of Mrs. Charles Swenson (Mrs. Ella Swenson)*

Dr. Charles A. Bundsen (see exhibit C-1) .....	\$25. 00
Mercy Hospital (see exhibit C-2) .....	36. 00
The Swedish National Sanatorium (see exhibit C-3) .....	5. 00
Helene Reetz, registered nurse (see exhibit C-4) .....	18. 50
Loss of time, inconvenience, pain, and suffering .....	1, 000. 00
Amount of claim .....	1, 084. 50

## EXHIBIT C-1

DR. CHARLES A. BUNDSSEN,  
Denver, Colo., January 14, 1942.

Mrs. Charles Swenson: 16 calls at \$3, \$48; rebate, \$23; total, \$25.

## EXHIBIT C-2

DENVER, COLO., July 29, 1941.

To Mercy Hospital, Dr.  
Mrs. Ella Swenson,  
Denver, Colo.

Service to self July 23 to 29, 1941.—

Room and service: 6 days, at \$4 .....	\$24. 00
Laboratory: Blood and urine .....	3. 50
Medication .....	1. 00
X-ray: Shoulder .....	7. 50

Total .....

36. 00

Received payment in full of above account.

Sister MARY AUSTIN, Cashier.

## EXHIBIT C-3

ENGLEWOOD, COLO., October 21, 1942.

Mr. CHARLES J. SWENSON,  
Denver, Colo.

Debtor to The Swedish National Sanatorium of Denver, Colo.: X-ray, \$5.  
Paid, October 21, 1941.

## EXHIBIT C-4

(Statement)

August 20, 1942.

Mrs. Charles Swenson for professional services rendered by Mrs. Raymond Reetz, registered nurse, from July 24, to July 29, inclusive of 1941; total, \$18.50.  
Received payment: HELENE REETZ, *Registered Nurse*.

## CLAIM FOR DAMAGES

## ACCIDENT

Date of accident: July 23, 1941; hour 5 p. m.  
Place of accident: Iliff Avenue and Colorado Boulevard, Denver, Colo.  
Describe how accident happened: See exhibit A attached hereto.

## PROPERTY DAMAGED

Name of owner: Rev. R. E. McKinney, 703 South Lincoln Street, Littleton, Colo.

Kind of property and extent of damage: 1941 Buick Sedan. Value (new) \$1,147.78. After accident \$253, trade-in-value. Towing charge \$10.

Method by which damage is established (if by receipted bills or appraisals indicate at this point and attach to claim): Statements of Denver Buick, Inc.; Downtown Buick, Inc.; and receipted towing bill—all attached hereto as exhibits B-1, B-2, and B-3.

Where may property be inspected? Disposed of as junk.

Is the damage covered in whole or in part by insurance? No.

Do the attached bills cover any repairs except those made necessary by the accident? No.

## AMOUNT OF CLAIM

For property damaged, \$894.78.

Rev. R. E. McKinney.

Subscribed and sworn to before me this 13th day of August 1942, at Denver, Colo.

[SEAL]

HARRY H. RUBENSTEIN,  
*Notary Public*

My commission expires March 18, 1945.

## EXHIBIT A

On July 23, 1941, about 5 o'clock in the afternoon, Mrs. Norma S. McKinney, age 34; her mother, Mrs. Charles Swenson, age 61; and Mrs. Hazel B. Jones, a friend, age 52, were riding east on Iliff Avenue at the undisputed rate of not exceeding 25 miles per hour, approaching the intersection of Iliff Avenue and South Colorado Boulevard, Denver, Colo. At the same time, an Army reconnaissance car, containing three soldiers from Lowry Field, traveling in a northerly direction on Colorado Boulevard at a high rate of speed, struck the car in which the three women were riding in the proximity of the front door.

As a result of this accident, the Buick car belonging to Rev. R. E. McKinney was completely demolished. A hearing was had in the police court in Denver wherein the charges against Mrs. McKinney, the driver of the car, were dismissed, and the driver of the Army car was fined \$50 and costs for taking the right-of-way and for careless driving.



## EXHIBIT B-1

DOWNTOWN BUICK, INC.,  
*Denver, June 23, 1941.*

ROBERT E. MCKINNEY,  
*Denver, Colo.*

New Model 41-8-46 Buick bus coupe; motor, 44424716; frame, 14214858; key. Chicago delivery-----	\$1, 139. 00
Colorado sales tax-----	8. 78
Total-----	1, 147. 78
Settlement:	
By used car-----	700. 00
By note due July 1, 1941-----	447. 78
Total-----	1, 147. 78

## EXHIBIT B-2

DENVER BUICK, INC.,  
*Denver, Colo., January 15, 1942.*

Rev. ROBERT E. MCKINNEY,  
*Littleton, Colo.*

DEAR REVEREND MCKINNEY: This is to certify that on July 31, 1941, we took in a 1941 Buick business coupe, serial 14214858, motor 44424716, on which we allowed \$253 on the purchase of a new 1941 Buick coupe.

The market value of this car was \$220, due to the fact that the car was not repairable and was just worth the salvage value.

DENVER BUICK, INC.,  
 By GEO. A. SCHMITZ, *Office Manager.*

## EXHIBIT B-3

DENVER, COLO., *July 31, 1941.*

Received of R. E. McKinney ten and 00/100 dollars (\$10) for towing by Weicker.  
 Paid by check.

DENVER BUICK, INC.,  
 By P. CONNOLLY.

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